

FREMONT PLANNING BOARD

May 10, 2006

Meeting Minutes

Approved May 17, 2006

Present: Chairman Larry Stilwell, Selectman Peter Bolduc, Leon Holmes, Jr., Mark Pitkin, Mbr. & Conservation Commission rep. Jack Karcz, Alt. and ZBA Rep. Scott Boisvert, Alternate Roger Barham, Building Official Thom Roy and Land Use AA Meredith Bolduc.

Also present: Dan Daley

Mr. Stilwell called the meeting to order at 7:35 p.m.

Mr. Holmes made the motion that Mr. Barham and Mr. Boisvert be allowed voting rights on any matter to come before tonight's Planning Board meeting.

Motion seconded by Mr. Karcz with unanimous favorable vote.

SEACOAST FARMS

Map 5 Lot 035

The Board received and Mr. Stilwell read the following:

1. An April 25, 2006 correspondence from Attorney Christopher Boldt representing Robert Kelly of Seacoast Farms relative to the plan review. He relayed, in the letter, Mr. Kelly's objection that he bear the cost of the wetland impact report of Rockingham County Conservation District that was requested by the Board as he feels that the increased area of wetlands is due to the beavers and their dams and the Town's failure to remove them. Mr. Stilwell presented a May 5, 2006 draft correspondence from Town Counsel to Attorney Boldt addressing the public odor nuisance and wetlands matters in answer to Attorney Boldt's April 25, 2006 letter.

(see file for all correspondences)

2. Documented odor complaints of April 28, May 1 and May 5, 2006.

3. A copy of a May 1, 2006 correspondence from Building Official Thom Roy to DES Official Doug Kemp relative to the recent offsite nuisance complaints and Mr. Roy's belief that Seacoast Farms remains in violation of the original "Letter of Discrepancy", and specific to the administrative order violations. In addition there are unresolved wetland delineation issues.

Mr. Stilwell reported that he, Mr. Karcz, Mr. Roy and Soil Scientist Richard Bond of the Rockingham County Conservation District met this morning at the Land Use office and went to the Seacoast Farms site. Mr. Kelly was sent a copy of the April 17, 2006 letter of meeting request from the Board to Mr. Bond and he was at the site. Mr. Stilwell reported there are no wetlands flagged, but that they identified a couple of places where there are some wetland issues and Mr. Bond found evidence of present wetlands. He added that Seacoast Farms has just about completed work on the west side, and with the berm, most of it is 100' away from the wetlands. Mr. Stilwell

further reported that on the north side there is a drainage swale that Mr. Kelly is building because there is a natural flow in that direction into the wetlands, and the northeast side appears to be approximately 30' to the wetlands. Mr. Bond will do a report based on the site walk. Mr. Stilwell stated that he would like to get someone on the Town's

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behalf to look at the test wells report.

LEWIS BUILDERS
BLACK ROCKS VILLAGE
Map 3 Lot 015-1

Informational

Present: Chris Frey of Lewis Builders

Mr. Frey met with the Board at 8:00 pm for the purpose of discussing building numbers and street addresses at the Black Rocks Village project. He stated that he must submit plans to the Attorney General's office which include the numbers and addresses.

Mr. Frey submitted site plans showing the existing building numbers and proposed to renumber the buildings and units so they will be in sequence.

Mr. Stilwell instructed Mr. Frey that, for the building numbering and street addresses for this project, he needs to make a joint appointment with the Town Administrator Heidi Carlson and the Police Chief Neil Janvrin, and must provide the proper plans for this meeting.

Mr. Frey agreed that, when the numbering is assigned and complete, he will supply the Board with 1 full size plan for the records and 6 reduced size plans for emergency departments use. He thanked the Board and left the meeting at 8:20 pm.

JEFFREY & ANGEL LESIZKA
Map 3 Lot 191-12

PUBLIC HEARING
Site Plan Review

Present: Owners Jeffrey and Angel Lesiczka, William Currier, and Abutter Doug Crisafulli.

At 8:30 pm Mr. Stilwell opened this Public Hearing for Jeffrey and Angel Lesiczka and read the public notice which was as follows:

In accordance with NH RSA 675: 7, you are hereby notified of an Abutters/Public Hearing to be held on April 12, 2006 at 8:30 p.m. at the Fremont Town Hall concerning a Site Plan Review for Jeffrey P. and Angel M. Lesiczka. The applicants propose to operate a New Hampshire bonded retail car dealer business from their residence at Map 3 Lot 191.12, 10 Cavil Mill Road, Fremont, New Hampshire.

Mr. Stilwell noted that this is a continuation of the April 12, 2006 portion of this Public Hearing which was continued at the applicant's request.

It was noted that this hearing was noticed on March 20, 2006 at the Fremont Post Office and Fremont Town Hall and in the March 24, 2006 edition of the Rockingham News. The applicant and all abutters were notified via certified mail on March 24, 2006 and all returns have been received. The application included 6 sets of plans, abutters list, proper check amount, list of waivers, the signed checklist certifying that the application meets all

zoning regulation requirements and a copy of the deed to Map 3 Lot 191-12. The applicants also submitted a December 5, 2005 correspondence from the NHDMV to the Fremont Town Clerk, notifying the Town of an application for a dealer's permit as well as a copy of the permit, which was signed by the Fremont Selectmen to

defer action pending local zoning and planning process. The application was cancelled by the applicant.

Comment sheets were received from:

Fremont Conservation Commission = *the Conservation Commission recommends that if the Planning Board, upon review, allows the e-bay automobile sales business at 10 Cavil Mill Road, that a stipulation be included in that plan not to allow the delivery of any vehicle to that property. A very steep slope behind the house lends to a wetland draining into the Exeter River. This is not an acceptable use of the property because of its proximity to the wetlands. We understand that this business is an e-bay business, but we also understand that vehicles have, in the past, been delivered to this property.*

Fremont Fire Chief = *"If there is no storage of vehicles or repair shop on the location I have no problem with this. I would have concerns if there was any leakage or runoff into the river.*

Mr. Bolduc made the motion to take jurisdiction of the application and plan.

Motion seconded by Mr. Holmes with unanimous favorable vote.

Mr. Lesiczka introduced himself and stated that he and his wife learned the e-bay automobile sales business from their neighbor and would like to do it themselves. He stated that in order to get the required bonded dealers license, town approval must be in place. He explained that the business would involve them going to auctions for the purchase, bringing the vehicles to their residence where they would be cleaned up, they would then get them registered and inspected and sell them on e-bay, an on-line auction site. Mr. Lesiczka stated that he does not intend to have more than 4 vehicles on the property, including his own, no deliveries to the property, and no displaying of vehicles for sale on the property so there would basically be no visible sign of the business. He added that the automobiles would be registered and he has a service agreement with Action Auto for inspections, but not maintenance. He noted that minor maintenance work and cleaning would be done at the residence, but more extensive repair work would be done at the auto shop.

Mr. Roy questioned why there should be any vehicles brought to the residence if all sales activity took place offsite. It was his feeling that such a small number of sales could be done from another site.

The Board reviewed the plan submitted. In answer to questions by the Board, Mr. Lesiczka stated that a small sign and regular hours of operation are State requirements. He added that it is his understanding that the State will lift the sign requirement with a Building Inspector's statement.

Mr. Crisafulli stated that the Lesiczka's have not had cars delivered to their property as stated in the Conservation Commission comments, but they have been delivered to his house which is next door. He stated that he is a registered automobile dealer and has sold 54 cars within the past year as a result of his e-bay business. He added that there is no sign of his business because he takes the automobiles to Action Auto where they are worked on and sold from there. Mr. Crisafulli stated that the vehicles are listed and advertised on e-bay. There can be a limitation to viewing of vehicles at the property. According to Mr. Crisafulli, the State requires operating hours so that they can inspect during those hours. Mr. Crisafulli stated that a few weeks ago he applied for Site Plan Review, but withdrew his application as he has his house for sale and is planning to move out of the area.

Mr. Lesiczka stated that his intent is to not have any more traffic than is already in the neighborhood. He does not want additional traffic in his neighborhood and the intent is to keep this business as low key as possible. Mr. Roy stated that a concern might be who is visiting the neighborhood as a result of the vehicles advertised for sale.

Suggested by members and Mr. Roy as possible conditions were operating hours, no one be allowed to view automobiles at the property, number of vehicles allowed at one time, scope of on-site vehicle service and repair, if any, temporary approval pending compliance with conditions. Mr. Lesiczka stated that would not like to put conditions on his site plan that would be restrictive, but that he may be willing to go along with temporary limitations.

Mr. Stilwell reminded Mr. Lesiczka that the Board has jurisdiction over Site Plan Reviews and any conditions imposed would be decided by the Board.

Mr. Roy reiterated that if all sales activity took place offsite, why should there be any on the site. He suggested that such a small number of sales could be done from another site and asked why the automobiles could not be brought to Action Auto rather than to the residence at Cavil Mill. Mr. Roy suggested that the subdivision plan be reviewed for notes of intent.

After careful review by the Board, Mr. Holmes made the motion to approve the following waivers:

1.13 E-1, , 3, G, G-1, H, I, L, L-1, L-2, L-3, L-4, L-5, L-6, M, N, N-1, 2, O, O-1, P, Q, R, R-1, 2, S-2, 7, 8, 11, 12, 13, 16, S-17, S-19, T-1, 2, 4, 5

1.14 B, D, E, F, G, H, I, J, K, L, M

1.15 A, B, C, D, E, F, G, H, I, J, K, L-1, L-2, L-3, L-4, M, M-1

1.16 A, B, C, D, E, F

1.17 A, B, C, D, E, E-1, 2

1.19

1.20 A, B, C, D, E, F, G, H, I,

Motion seconded by Mr. Bolduc with unanimous favorable vote.

At 9:20 Mr. Pitkin made the motion to continue this Public Hearing to 9:00 pm on May 24, 2006 to allow the Board time to review the application.

Motion seconded by Mr. Bolduc with unanimous favorable vote.

POINT OF ORDER

Mr. Karcz removed himself from the Board at 9:25 pm as he is an abutter to the Currier property which is the next agenda item.

WILLIAM & JOANNE CURRIER
Map 1 Lot 048

PUBLIC HEARING, cont.
Subdivision Design Review

Present: Owner William Currier, Representing surveyor Roscoe Blaisdell and abutter Jack Karcz.

As per RSA 676:4 (b) the Design Review Phase allows for non-binding discussions.

Mr. Stilwell opened this Public Hearing for conceptual design at 9:25 p.m. and stated that this is a continuation of the April 19, 2006 (and the May 2, 2006 site visit) portion of this Public Hearing.

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Mr. Stilwell reported that in attendance, besides himself, at the May 2, 2006 scheduled site visit were Building Official Thom Roy, PB Atl. Roger Barham, PB Members Mark Pitkin and Leon Holmes, Jr., Road Agent Guerwood Holmes, owner William Currier, prospective buyer Robert Beck, Surveyor Roscoe Blaisdell, and abutter Jack Karcz. The "Comment Sheet" reads as follows:

Comments: Viewed all lots, main road and driveways. Did an extensive walk of the Gates property to further assess the feasibility of providing an easement. No conclusions.

Recommendations: Guerwood made several recommendations regarding shared drives, culverts and street entrance. Suggested shifting shared drive to multi families slightly away from wetland and closer to property line. Will require a variance.

Mr. Blaisdell stated that the prospective buyer is no longer interested in purchasing the property so they are no longer proposing the 11 lot subdivision. He presented a new revised plan which showed a 5 lot subdivision, including the parent lot. The existing lot will retain approximately 50 plus acres and the area for the proposed new lots will range from 2.2 to 5 acres. The plan showed an 800' common driveway which will have no wetland crossing, but will be closer than 100' to wetland. It also depicted that the wells on lots number 1, 2, and 4 are closer than 100' to the wetland so there will be ZBA Special Exception requests for those items. The proposed shared driveway was discussed and it was noted that it will need a Planning Board waiver for its close proximity to the sideline setback as well as a ZBA Special Exception. There are 2 proposed driveways off Sandown Road. Mr. Blaisdell stated that he will request a Planning Board waiver relative to the required HISS mapping.

There was a discussion relative to the proposed driveway length and the installation of a hammerhead or turn-around.

Mr. Blaisdell requested a letter of recommendation from the Planning Board to the ZBA for a Special Exception for 3 wells located closer than 100' to the wetland, and the driveway closer than 100' to the wetland. The Board agreed. Mr. Blaisdell had previously agreed that one of the plans submitted with his application would be colored to make it easier to read.

Mr. Holmes made the motion to close this Public Hearing at 9:55 pm.

Motion seconded by Mr. Bolduc with unanimous favorable vote.

CAPITAL IMPROVEMENTS PROGRAM (CIP) AND IMPACT FEE INFORMATION

Mr. Stilwell reported that on May 4, 2006 the Planning Board sent a correspondence and a "Capital Project Worksheet and Submission Form" to each Town Board or Commission that incur a capital expense. This correspondence stated that the Board is in the process of updating the CIP and invited them to a June 21, 2006 round table work session for the purpose of reviewing and collecting their input for the update. The members reviewed the letter.

MINUTES

Mr. Pitkin made the motion to approve the minutes of the April 26, 2006 as written.

Motion seconded by Mr. Karcz with unanimous favorable vote except for Mr. Boisvert who abstained as he was

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not present at that meeting.

CORRESPONDENCE

The Board reviewed all correspondences including:

1. From Rockingham Planning Commission: April 12, 2006 meeting minutes, April 20, 2006 budgetary memorandum and anticipated 2007 funding budget, May 4, 2006 Nominating Committee memorandum, and the agenda for the May 10, 2006 Innovative Zoning meeting.
2. Copy of an April 18, 2006 Bank North Irrevocable Letter of Credit for Daniel Perry Builders, for Scribner Estates Subdivision Plan (Thunder Road).

Mr. Bolduc made the motion to adjourn at 10:05 P.M.
Motion seconded by Mr. Holmes with unanimous favorable vote.

Respectfully submitted,
Meredith Bolduc, Secretary